

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 47

Short Title: Initiative.

(Public)

Sponsors: Representatives Blust, Blackwood (Primary Sponsors); Current, Moore, and Starnes.

Referred to: Rules, Calendar, and Operations of the House.

February 4, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE TO
3 THE PEOPLE THE POWER OF INITIATIVE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article XIII of the Constitution of North Carolina is amended by
6 adding a new section to read:

7 "**Sec. 5. Initiative.**

8 (1) Procedure for proposal. The people may initiate a referendum on proposed
9 amendments to the Constitution by presenting to the State Board of Elections a petition that
10 sets forth the text of the proposed amendment to the Constitution and is certified to have been
11 signed by qualified voters not less in number than twenty percent (20%) of the votes for all
12 candidates for Governor at the last gubernatorial election. No more than fifteen percent (15%)
13 of the signatures may be from any one congressional district. The petition shall ask that it be
14 submitted to the qualified voters.

15 (2) Registration. A petition must be registered with the Secretary of State prior to
16 circulation, and no signature shall be valid unless submitted to the State Board of Elections
17 within one year after the date of registration.

18 (3) Submission to voters. The State Board of Elections shall submit the proposed
19 constitutional amendment to the qualified voters of the State at the next statewide general
20 election held not less than 150 days from the date of certification by the State Board of
21 Elections that the petition is valid.

22 (4) Restricted subjects. No initiative measure may change the provisions of this
23 subsection. No initiative measure defeated under this Section may be considered again under
24 this Section until five years from the date of the election have elapsed.

25 (5) Effectiveness; effective date. An initiative to be effective must be approved by a
26 majority of the qualified voters voting in the election thereon. An initiative takes effect on the
27 first day of January after the election, unless the proposed amendment provides a different
28 effective date.

29 (6) Implementation. The General Assembly shall provide by general law the manner in
30 which petitions shall be circulated, verified, presented, and certified. The General Assembly
31 shall provide by general law the manner in which measures are submitted to the qualified
32 voters.

33 (7) Unseverability. If any part of this Section is held invalid or unenforceable by any
34 court of competent jurisdiction, this entire Section is repealed."



1 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
2 the qualified voters of the State at the statewide general election in November 2010, which
3 election shall be conducted under the laws then governing elections in the State. Ballots, voting
4 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
5 question to be used in the voting systems and ballots shall be:

6 " FOR AGAINST

7 Constitutional amendment giving the people the power of initiative to adopt or
8 reject amendments to the Constitution."

9 **SECTION 3.** If a majority of the votes cast on the question are in favor of the
10 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
11 amendment to the Secretary of State. The amendment becomes effective upon this
12 certification. The Secretary of State shall enroll the amendment so certified among the
13 permanent records of that office.

14 **SECTION 4.** This act is effective when it becomes law.